PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of	Docket No: Q88613
Pascal DENOLLY	
Appln. No.: 10/539,577	Group Art Unit: 3763
Confirmation No.: 4484	Examiner: Quynh-Nhu Hoang VU
Filed: June 17, 2005	

For: DISTRIBUTION DEVICE FOR A SUPPLY NETWORK FOR SUPPLY OF MEDICAL FLUIDS TO A PATIENT

SUBMISSION OF APPEAL BRIEF

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith please find an Appeal Brief. The USPTO is directed and authorized to charge the statutory fee of $270.00 and all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please

also credit any overpayments to said Deposit Account.

Respectfully submitted,

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23373
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Date: December 23, 2008

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APPEAL BRIEF UNDER 37 C.F.R. § 41.37

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.37, Appellant submits the following:

I. REAL PARTY IN INTEREST

The real party in interest in this Appeal is SEDAT of France . The assignment was previously submitted and was recorded on December 14, 2005 at Reel 017715, Frame 0092.

II. STATEMENT OF RELATED CASES

To the knowledge and belief of Appellant, the Assignee and the Appellant's legal representative, there are no other appeals or interferences before the Board of Appeals and Interferences that will directly affect or be affected by the Board's decision in the instant Appeal.

III. JURISDICTIONAL STATEMENT

The Board has jurisdiction to consider this appeal under the following statutes:

37 C.F.R. § 41.37 and 35 U.S.C. § 134(a)

This appeal is from the rejections set forth in the Final Office Action dated December 27, 2007.

The Notice of Appeal was filed on June 26, 2008.

This Appeal Brief is being filed on December 23, 2008.

TABLE OF CONTENTS

IV. TABLE OF AUTHORITIES

Statutes

Rules

Cases

None

Other Authority

None

V. STATUS OF AMENDMENTS

The status of all amendments filed after final rejection is as follows:

Appellant did not amend the claims subsequent to the December 27, 2007 Final Office Action. Accordingly, all amendments, which have been made during prosecution of the present application, have been entered.

VI. GROUNDS OF REJECTION TO BE REVIEWED

The grounds of rejection to be reviewed, including the statute applied, the claims subject to each rejection and the references relied upon by the examiner are as follows:

A. Claims 2-10 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over of U.S. Publication No. 2002/0151854 to Duchon et al. ("Duchon") in view of U.S. Patent No. 4,645,496 to Oscarsson et al. ("Oscarsson").

B. Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Duchon in view of U.S. Publication No. 2004/0082904 to Houde et al. ("Houde")

VII. STATEMENT OF FACTS

An objective and non-argumentative statement of the material facts relevant to the rejections on appeal is as follows:

1. The claimed invention is directed to a slide (112) of the distributor (32) that forms a compartment (126) within the chamber. When the distributor (32) controls the connection between the pressurised tube (64) and the pressure measurement tube (66), the active medical fluid circulates between the two aforesaid tubes via this compartment (126). Furthermore, when the distributor (32) controls the connection between the flush tube (68) and the pressure measurement tube (66), the flush medical fluid circulates between the two aforesaid tubes via the same compartment (126). See page 11, line 30 to page 12, line 2, in page 12, lines 15 to 20, and in page 13, lines 20 to 26 of Applicant's specification.

2. The Examiner has rejected claims 2-10 and 12 under 35 U.S.C. § 103(a) as being unpatentable over **Duchon** in view of **Oscarsson**.

3. **Duchon** discloses a distribution device for a system 10 for delivery of medical fluids to a patient.

4. The Examiner maintains that the diagonal passage 376 of **Duchon** discloses the claimed compartment (pgs. 4 and 5, item 1; December 27, 2007 Final Office Action).

5. Appellant traversed this assertion for the reasons set forth on pages 8-10 of November 21, 2007 Amendment and page 3 of June 26, 2008 Response.

6. The Examiner maintains that element 42 of **Duchon** discloses the claimed flush tube. Page 5 of May 21, 2007 Office Action and page 3 of December 27, 2007 Final Office Action.

7. Appellant traversed this assertion for the reasons set forth on page 10 of the November 21, 2007 Amendment and pages 3 and 4 of the June 26, 2008 Response.

8. The Examiner maintains that **Duchon** does not disclose a valve with a plug which can be moved manually and therefore cites to **Oscarsson** to cure the deficient teaching of **Duchon** and maintains that it would be obvious to combine the references. Page 5 of May 21, 2007 Office Action and page 5 of December 27, 2007 Final Office Action.

9. Appellant traversed this assertion for the reasons set forth on pages 10-12 of November 21, 2007 Amendment and page 4 of June 26, 2008 Response.

10. The Examiner has rejected claim 11 under 35 U.S.C. § 103(a) as being unpatentable over Duchon in view of Houde.

11. Appellant traversed this assertion for the reasons set forth on page 13 of the November 21, 2007 Amendment and page 5 of June 26, 2008 Response.

VIII. ARGUMENT

The examiner erred as to each ground of rejection for the reasons explained herein below:

A. Rejection of claims 2-10 and 12 under 35 U.S.C. § 103(a) in view of Duchon and Oscarsson

Claim 12 recites features which essentially are directed a slide (112) of the distributor (32) that forms a compartment (126), within the chamber. When the distributor (32) controls the connection between the pressurised tube (64) and the pressure measurement tube (66), the active medical fluid circulates between the two aforesaid tubes via this compartment (126). Furthermore, when the distributor (32) controls the connection between the flush tube (68) and the pressure measurement tube (66), the flush medical fluid circulates between the two aforesaid tubes via the same compartment (126) (see page 11, line 30 to page 12, line 2, in page 12, lines 15 to 20, and in page 13, lines 20 to 26 of Applicant's specification; pg. 8 of November 21, 2007 Amendment).

The Examiner maintains that all features of claim 12 are taught by Duchon except for a valve plug that can be moved manually (pgs. 4 and 5 of May 21, 2007 Non-Final Office Action; pgs. 2 and 3 of December 27, 2007 Final Office Action).

Duchon discloses a distribution device for a system 10 for delivery of medical fluids to a patient. As previously set forth by Appellant on pages 8-10 of

the November 21, 2007 Amendment, if the terms of claim 12 are used in order to describe the **Duchon** device as shown in Figures 1 and 7A to 7D of **Duchon**, one can say that the **Duchon** device comprises:

a syringe body 18,

a feed tube 78 for an active medical fluid (a radiographic contrast material), opening into the syringe body 18 and designed to be connected to a reservoir 22 for this active medical fluid,

a distributor 26 comprising a body, within which a chamber is bounded, and within this chamber both a slide 362, which can move in relation to the body of distributor 26, and a resilient member 372 placed between slide 362 and a fixed part 374 of distributor 26,

an injection tube 80 for the injection of the active medical fluid, connected to a distal extremity of syringe body 18 and opening into the chamber of distributor 26,

a pressurised tube 84 designed to be connected to the patient through a pressurised line 28 of system 10 and opening into the chamber of distributor 26,

a pressure measurement tube 82 designed to be connected to a pressure measurement line 90+92 of system 10 and opening into the chamber of the distributor 26, and

a flush tube 42 designed to be connected to a reservoir 50 for a flush medical fluid (a saline solution).

The distributor 26 of **Duchon** is designed to provide an automatic connection via its chamber between pressurised tube 84 and either injection tube 80 (see Figure 7D) or pressure measurement tube 82 (see Figures 7A, 7B and 7C) through the action of the pressure of the active medical fluid and resilient member 372. When pressurised tube 84 and pressure measurement tube 82 are thus in connection, the active medical fluid circulates between them via a diagonal passage 376. This diagonal passage 376 is exclusively delimited by the body of slide 362. Consequently, this diagonal passage 376 does **not** constitute a compartment formed by the slide and walls of the chamber of the distributor, as defined in claim 12.

On pages 4 and 5 of the December 27, 2007 Final Office Action, the Examiner responds to the above by stating, in item 1), that Figures 1 and 7A-7D "clearly" show that the diagonal passage 376 can be formed by the slide and side walls of the chamber.

Appellant traverses the Examiner's position. Page 3 of the June 26, 2008 Response. In particular, Appellant notes that in Figure 7D of **Duchon**, this "diagonal passage 376" is delimited both by the slide 362 and by walls of the chamber in the distributor 26. **However**, in this **Figure 7D**, the diagonal passage

376 is **not** fluid circulating. In other words, this diagonal passage 376 enables fluid to circulate only in **Figures 7A, 7B and 7C**, but in these configurations, this diagonal passage is delimited **only** by slide 362.

Consequently, Appellant submits that this diagonal passage 376 **cannot** constitute a "compartment" as defined in claim 12, because, as recited in the two "wherein" clauses at the end of claim 12, the "compartment (126)" according to the claimed invention is used for **"fluid circulating"**. In other words, the two fluid circulations specified in the end of claim 12 are in a passage which is formed both into the slide (112) and with walls of the internal chamber (62) of the distributor (32). This passage (called *"compartment"* in claim 12) does not correspond to the "diagonal passage 376" disclosed in **DUCHON**, because **DUCHON's** "diagonal passage" can connect the tube/port 84 with the tube/port 82 only in a strictly fit way.

Moreover, as set forth by Appellant on page 10 of the November 21, 2007 Amendment, contrary to the flush tube as defined in claim 12, flush tube 42 of the **Duchon** device is not formed in the body of distributor 26 in a way that is separated from the other tubes 78, 80, 84 and 82 (in particular, tube 82 is used **both** for measuring the pressure in distributor 26 and **also** for flushing the distributor).

Furthermore, Appellant argued that flush tube 42 opens in pressure measurement line 90+92: consequently, the flush medical fluid coming from flush

tube **42** circulates directly in line 90+92, **without circulating in a part of the chamber of distributor 26.** On the contrary, in claim 12, the flush medical fluid circulates "between the flush tube (68) and the pressure measurement tube (66)...via the compartment (126)" of the slide within the chamber (62).

On page 5 of the December 27, 2007 Final Office Action, the Examiner responds to the above arguments by stating, in item 2), that Figures 2A-G of **Duchon** "clearly" show that the flush line circulates in a parts of the chamber of the distributor 26. The Examiner also maintains that a flush line is inherent/well known.

Appellant respectfully traverses the Examiner's position. See pages 3 and 4 of the June 26, 2008 Response. In particular, Appellant notes that in **DUCHON,** the flush fluid provided by the tubing 42 circulates directly in the pressure measurement tube 82, as clearly shown in Figures 2A to 2G. **Consequently, flushing the pressure measurement line 90+92 is realized by the flush fluid coming from the tubing/line 42, without circulating in a part of the chamber delimited in distributor 26.** Thus, in Figures 2A to 2G, the flush fluid in the tubing/line 42 can circulate in a part of the chamber of distributor 26, **but not for flushing the pressure measurement line 90+92.**

To the **contrary,** Appellant notes that the pressure measuring and the flushing by the device according to the claimed invention are improved because, in

the two configurations specified in the two "wherein" clauses at the end of claim 12, the flush fluid circulates in the "compartment (126)", which facilitates and homogenizes the fluid circulation between the different separate "tubes" that are in connection via this compartment as a function of the position of the slide (112).

In further regard to Duchon, Appellant previously argued and the Examiner previously acknowledged that the flush tube 42 of the **Duchon** device is not provided with "a valve equipped with a plug which can be moved manually." Page 5 of May 21, 2007 Office Action; pg. 10 of November 21, 2007 Amendment. As a consequence, it was noted that the device defined by claim 12 can be distinguished from the **Duchon** device by the following:

First, in the claimed invention, two separate tubes for respectively flushing and pressure measuring open into the chamber of the distributor; in use, the flush medical fluid can circulate between these two separate tubes via a compartment delimited by the walls of the chamber and by the slide; and ***second***, the circulation of the flush medical fluid is controlled by a valve provided in the flush tube, "with a plug which can be moved manually".

On page 5 of the December 27, 2007 Final Office Action, the Examiner responds to the above arguments by referring, in item 3), to paragraph [0086] and Figures 2A-G of **Duchon** and stating that **Duchon** provides either a valve 46 or a valve pinching.

In response, Appellant respectfully requests the Examiner to carefully reconsider Appellant's previous argument concerning the **non**-relevance and nonobviousness of the combination of **DUCHON** and **OSCARSSON** '486 for a man ordinarily skilled in the art (as explained from the middle of page 11 to the middle of page 12 in the Amendment filed November 21, 2007; see pg. 4 of June 26, 2008 Response).

Finally, as set forth by the Appellant on pages 11 and 12 of the November 21, 2007 Amendment, **Oscarsson** discloses a distribution device A comprising a valve with a plug located between a first tube section 14 and a second tube section 22. The **Oscarsson** device further comprises a pressure measurement tube 34 which opens into the middle part of tube section 22, between plug 80 and a female fitting 28. The aforesaid middle part of tube section 22 is totally free, that is to say, it is not provided with a movable slide through which a flush fluid coming from plug 80 could be circulated (see Figure 5). In other words, the flush fluid coming from plug 80 circulates **directly** between the middle part of tube section 22 and, for one part of the fluid, tube 34 and, for the rest of the fluid, the inside of fitting 28.

If **Duchon** and **Oscarsson** were combined, a man ordinarily skilled in the art is necessarily taught to replace line 90 of the **Duchon** device by the **Oscarsson** device in view of improving the flushing and the pressure measuring. In other

words, the man ordinarily skilled in the art would connect female fitting 28 of the **Oscarsson** device to tube 82 of the **Duchon** device, while connecting the pressure transducer 38 of the **Duchon** device to the free end of tube 34 of the **Oscarsson** device, and connecting reservoir 50 of the **Duchon** system to the free end 18 of tube section 14 of the **Oscarsson** device. Thus, the man ordinarily skilled in the art would obtain a distribution device which does **not** correspond to the device defined in claim 12, because:

First, the flush tube constituted by tube sections **14** and 22 of the **Oscarsson** device is not formed in the body of distributor 26 of the **Duchon** device because of the presence of fitting 28 between them; ***second***, the assembly of the **Duchon** device and the **Oscarsson** device does not provide two separate tubes opening in the chamber of distributor 26, respectively for the flushing and the pressure measuring (because tube 34 opens directly into tube section 22 of the **Oscarsson** device); and ***third***, the flush medical fluid does not circulate between flush tube 14+22 and pressure measurement tube 34 through the body of distributor 26, especially via a compartment delimited by slide 362 and by the walls of the chamber of distributor 26.

On page 5 of the December 27, 2007 Final Office Action, the Examiner responds to the above arguments by referring Appellant to the rejection regarding **Duchon** and maintaining that **Oscarsson,** "discloses a valve/flow control device

capable of providing continuous flushing of the catheter with a flushing solution selectively at either a slow or fast rate."

In regard to the above, Appellant notes that the Examiner admits that **OSCARSSON** does not disclose two separate tubes opening in an internal chamber of the distributor A, respectively for the flushing and the pressure measuring, yet at the same time, the Examiner asserts that such a limitation is disclosed in **DUCHON**. Page 4 of June 26, 2008 Response. Appellant notes, however, that on page 3, lines 7 to 11 of the December 27, 2007 Final Office Action, the Examiner admits that **DUCHON** does not explicitly disclose such a limitation. To the contrary, the Examiner considers that a corresponding feature is *"only routine skill in the art"*.

Appellant respectfully disagrees with the Examiner and submits that neither **DUCHON** nor **OSCARSSON** provide, explicitly, two separate tubes opening in an internal chamber of a distributor, respectively for the flushing and the pressure measuring. In other words, Appellant submits that the Examiner's dismissal of the involved feature as requiring "only routine skill in the art" is conclusory, is not well-taken, and is not supported by any evidence.

Appellant notes that the July 25, 2008 Advisory Action does not substantively respond to the arguments presented in Appellant's June 26, 2008 Response. Rather, the Examiner merely refers the Appellant back to the rejections

set forth in the December 27, 2007 Final Office Action. For the reasons set forth, however, Appellant submits that claim 12 is patentable over the cited references.

Furthermore, due to the invention as claimed, the fabrication of the distributor body is facilitated because the flush tube (68) and the pressure measurement tube (66) extend independently from each other up to the chamber (62) of the distributor body (32B). Also, the distributor body can be designed in a very compact way in the sense that the second section (68B) of the flush tube (68) can be very short (at least shorter than tube section 22 of the **Oscarsson** device). Thus, the fabrication of the distributor body according to the claimed invention is facilitated because the flush tube (68) and the pressure measurement tube (66) extend independently from each other up to the chamber (62) of the distributor body (32B).

Additionally, the pressure measuring and the flushing by the device according to the claimed invention are improved because the compartment (126) facilitates and homogenizes the circulation of the two medical fluids between the different separate tubes that are in connection via this compartment, in function of the position of the slide (112). In particular, the formation and the trapping of bubbles is considerably reduced (especially in comparison with diagonal passage 376 in slide 362 of the **Duchon** device, this diagonal passage being provided to

connect tube 84 with tube 82 in a strictly fit way). Page 12, November 21, 2007 Amendment.

In summary, since the **Duchon/Oscarsson** combination does not teach, or even suggest, all of the limitations of claim 12, Appellant submits that such claim is patentable.

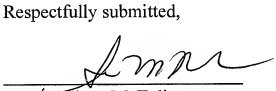
Appellant also submits that claims 2-10 are patentable at least by virtue of their dependency upon claim 12 and therefore stand or fall with claim 12.

B. Rejection of claim 11 under 35 U.S.C. § 103(a) in view of Duchon and Houde

Since claim 11 incorporates the recitations of claim 12, claim 11 should be allowable for this reason alone. Furthermore, as previously submitted by Appellant, **Houde** '904 clearly does not provide, or even suggest, any of the above-described deficiencies in **Duchon's** disclosure with respect to claim 12. Thus, even if **Duchon** were modified, as proposed by the Examiner, with **Houde's** feed line, the subject matter of claim 11 would not be produced. Page 13, November 21, 2007 Amendment and Page 5 of June 26, 2008 Response.

The USPTO is directed and authorized to charge the statutory fee (37 C.F.R. §41.37(a) and 1.17(c)) and all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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IX. APPENDIX

Claims Section

An accurate clean copy in numerical order of all claims pending in the application proceeding on appeal, is as follows:

1. (canceled).

2. (rejected): A device according to claim 12, wherein the valve (70, 80) of the flush tube (68) is supported by the body (32B) of the distributor (32).

3. (rejected): A device according to claim 12, wherein the valve (70, 80) is mounted so as to rotate about an axis (Z-Z) orientated transversely to the flush tube (68).

4. (rejected): A device according claim 12, wherein the valve in the flush tube (68) comprises a plug (70) for that tube and a manual control lever (80), the plug and the handle being both connected mechanically to each other and capable of movement with respect to the body (32B) of the distributor (32).

5. (rejected): A device according to claim 4, wherein the plug (70) comprises a sector of a cylinder (74).

6. (rejected): A device according to claim 12, further comprising means (94, 96) for resiliently returning the valve (70, 80) into its closed position.

7. (rejected): A device according to claim 6, wherein the returning means comprises a flexible blade (94) bearing against the body (32B) of the distributor (32) and mechanically connected to the valve (70, 80) of the flush tube (68).

8. (rejected): A device according to claim 12, wherein the body (32B) of the distributor (32) is made of one piece with the body of the syringe (30) in a leaktight manner.

9. (rejected): A device according to claim 12. wherein the tube (56) feeding the first active medical fluid is bounded by the distributor (32).

10. (rejected): A device according to claim 12, wherein the feed tube (56) and the injection tube (60) for the active medical fluid extend in substantially parallel directions.

11. (rejected): A kit for the injection of a contrast product into the human body, comprising:

- a distribution device (2) according to claim 12,

- a feed line (4) for contrast product comprising a flexible conduit (8) fitted with a drip chamber (10) and designed to be connected at one extremity to a reservoir (6) for contrast fluid and at its other extremity to the feed tube (56) of the distribution device (2),

- a pressurised line (12) comprising at one extremity a coronarography catheter (15) designed to be inserted into the patient's body and designed to be

connected at its other extremity the pressurised tube (64) of the distribution device (2),

- a pressure measurement line (16) incorporating a conduit (20) fitted with a pressure sensor (18) and designed to be connected to the pressure measurement tube (66) of the distribution device (2), and

- a flush line (22) comprising a flexible conduit (26) fitted with a drip chamber (28) and designed to be connected at one extremity to a reservoir (24) for a flush solution and at its other extremity to the flush tube (68) of the distribution device (2).

12. (rejected): A distribution device for a system (1) for delivery of medical fluids to a patient, comprising;

- a syringe body (30),

- a feed tube (56) for an active medical fluid, opening into the syringe body (30) and designed to be connected to a reservoir (6) for the active medical fluid,

- a distributor (32) comprising a distributor body (32B), within which there is bounded a chamber (62) for fluid circulation, and within the chamber (62) there are both a slide (112), which can move in relation to the distributor body (32B) and which forms, with walls of the chamber, a compartment (126), and a resilient member (120) placed between the slide (112) and a fixed part (122) of the distributor body,

- an injection tube (60), for the injection of the active medical fluid, connected to a distal extremity (46) of the syringe body (30) and opening into the chamber (62),

- a pressurised tube (64), designed to be connected to the patient through a pressurised line (12) of the system (1), and opening into the chamber (62),

- a pressure measurement tube (66), designed to be connected to a pressure measurement line (16) of the system (1), and opening into the chamber (62), and

- a flush tube (68) which is separate from other tubes (56, 60, 64, 66) of the device, which is formed in the distributor body (32B) and which comprises a first section (68A), which is designed to be connected to a reservoir (24) for a flush medical fluid, and a second section (68B) opening directly into the chamber (62), said flush tube (68) being fitted with a valve (70, 80) equipped with a plug (70) which is located between the first and second sections (68A, 68B) of the flush tube and

which can be moved manually between a position in which it at least partly closes the flush tube and a position in which the flush tube (68) is in free communication with the chamber (62),

wherein the distributor provides an automatic connection via the chamber between the pressurised tube (64) and either the injection tube (60) or the pressure measurement tube (66) through the action of the pressure of the active medical

fluid and the resilient member (120), the active medical fluid circulating via the compartment (126) between the pressurised tube (64) and the pressure measurement tube (66) when they are in connection, and

wherein the distributor (32) connects the flush tube (68) with the pressurised tube (64) and with the pressure measurement tube (66) via the chamber (62), the flush medical fluid circulating via the compartment (126) between the flush tube (68) and the pressure measurement tube (66) when they are in connection.

Claim Support and Drawing Analysis

11. A kit for the injection of a contrast product into the human body, comprising:

- a distribution device (2) according to claim 12 **{Fig. 2, see claim 12 below}**,

- a feed line (4) for contrast product comprising a flexible conduit (8) fitted with a drip chamber (10) and designed to be connected at one extremity to a reservoir (6) for contrast fluid and at its other extremity to the feed tube (56) of the distribution device (2) **{Figs. 1 and 2; pg. 7, lines 8-12}**,

- a pressurised line (12) comprising at one extremity a coronarography catheter (15) designed to be inserted into the patient's body and designed to be connected at its other extremity the pressurised tube (64) of the distribution device (2) **{Figs. 1 and 2; pg. 7, lines 13-19; pg. 9, lines 5-13}**,

- a pressure measurement line (16) incorporating a conduit (20) fitted with a pressure sensor (18) and designed to be connected to the pressure measurement tube (66) of the distribution device (2) **{Figs. 1 and 2; pg. 7, line 20-22; pg. 9, lines 5-13}**, and

- a flush line (22) comprising a flexible conduit (26) fitted with a drip chamber (28) and designed to be connected at one extremity to a reservoir (24) for

a flush solution and at its other extremity to the flush tube (68) of the distribution device (2) **{Figs. 1 and 2; pg. 7, line 23-25; pg. 9, lines 5-13}**.

12. A distribution device for a system (1) for delivery of medical fluids to a patient, comprising;

- a syringe body (30) **{Fig. 1}**,

- a feed tube (56) for an active medical fluid, opening into the syringe body (30) and designed to be connected to a reservoir (6) for the active medical fluid **{Figs. 1 and 2; pg. 7. lines 8-12; pg. 8, lines 20-29}**,

- a distributor (32) comprising a distributor body (32B), within which there is bounded a chamber (62) for fluid circulation, and within the chamber (62) there are both a slide (112), which can move in relation to the distributor body (32B) and which forms, with walls of the chamber, a compartment (126), and a resilient member (120) placed between the slide (112) and a fixed part (122) of the distributor body **{ Figs. 1 and 2; pg. 8, line 30 to pg. 9, line 4; pg. 11, line 28 to pg. 12, line 2}**,

- an injection tube (60), for the injection of the active medical fluid, connected to a distal extremity (46) of the syringe body (30) and opening into the chamber (62) **{ Figs. 1 and 2; pg. 8, line 32 to pg. 9, line 2}**,

- a pressurised tube (64), designed to be connected to the patient through a pressurised line (12) of the system (1), and opening into the chamber (62) { **Figs. 1 and 2; pg. 9, lines 5-13**},

- a pressure measurement tube (66), designed to be connected to a pressure measurement line (16) of the system (1), and opening into the chamber (62) { **Figs. 1 and 2; pg. 7, lines 20-22; pg. 9, lines 5-13**}, and

- a flush tube (68) which is separate from other tubes (56, 60, 64, 66) of the device, which is formed in the distributor body (32B) and which comprises a first section (68A), which is designed to be connected to a reservoir (24) for a flush medical fluid, and a second section (68B) opening directly into the chamber (62), said flush tube (68) being fitted with a valve (70, 80) equipped with a plug (70) which is located between the first and second sections (68A, 68B) of the flush tube { **Figs. 1 and 2; pg. 9, lines 5-28**} and

which can be moved manually between a position in which it at least partly closes the flush tube and a position in which the flush tube (68) is in free communication with the chamber (62) { **Figs. 1 and 2; pg. 9, line 14 to pg. 10, line 3**},

wherein the distributor (32) provides an automatic connection via the chamber (62) between the pressurised tube (64) and either the injection tube (60) or the pressure measurement tube (66) through the action of the pressure of the

active medical fluid and the resilient member (120), the active medical fluid circulating via the compartment (126) between the pressurised tube (64) and the pressure measurement tube (66) when they are in connection { **Figs. 1 and 2; pg. 9, lines 5-13; pg. 11, line 28 to pg. 12, line 2**}, and

wherein the distributor (32) connects the flush tube (68) with the pressurised tube (64) and with the pressure measurement tube (66) via the chamber (62), the flush medical fluid circulating via the compartment (126) between the flush tube (68) and the pressure measurement tube (66) when they are in connection { **Figs. 1 and 2; pg. 9, lines 14-32**}.

Means or Step Plus Function Analysis

Appellant submits that there are no means or step plus function elements in claims 11 and 12, nor is Appellant separately arguing any dependent claims containing means or step plus function elements.

Evidence

The following is a listing of only those papers which have been entered by the examiner:

No other papers entered by the Examiner other than the November 21, 2007 Amendment and the June 26, 2008 Response.

CONTENTS

None

AFFIDAVITS AND DECLARATIONS

None

OTHER EVIDENCE FILED PRIOR TO THE NOTICE OF APPEAL

None

OTHER EVIDENCE FILED AFTER THE NOTICE OF APPEAL

None

RELATED CASES

None